

REMARKSA. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. The Invention

The present invention is directed to a method for providing multiple discounts to a high volume retail customer from a supplier that does not sell directly to the high volume customer.

In one of the novel aspects of the invention, the supplier initially determines which customers are "high volume" customers using previously collected market data. After the supplier makes this determination, the supplier sends a multiple discount vehicle directly to the high volume customer in order to induce the high volume customer to purchase the supplier's products or services at retail.

The method of the present invention is advantageous because the supplier targets "high volume" purchasers based on previously collected market data. The supplier therefore

focuses the issuance of discounts on those customers who have a history of purchasing large numbers of a specific product or service. In addition, the method of the present invention is advantageous because the supplier actively provides discounts directly to high volume customers, rather than passively waiting for the customers to clip and present discount coupons from a newspaper or the like in the conventional manner.

C. Claim Objections and Amendments

The Examiner had indicated that claim 1 would be rejected unless support is provided for repurchasing the brand of the supplier using remaining discounts on the vehicle.

Page 4, lines 28-30 of the application explain that a "plurality" of discounts are provided on a single vehicle directed to a specific service or product of the supplier. Page 5, lines 16-24 explain that the "multiple use" vehicle is applied frequently and continuously to assure sustained brand "re-purchase". Applicants respectfully submit that the objected limitations are supported by these portions of the application.

The Examiner had stated that claim 1 does not expressly recite that the discount card loads or stores discounts as recited in claim 2. For clarification, Applicants have amended claim 1 to include a portion of the limitations of claim 2. Applicants respectfully request entry of this amendment since

the subject matter of amended claim 1 has already been examined in claim 2.

The Examiner had stated that claim 26 is unclear since all coupons inherently have an expiration date. Applicants have cancelled claim 26 since it is believed that the subject matter is included within claim which 3 does not impose a time limit on the coupons.

Claim 13 had been objected to as being indefinite. Applicants have amended claim 13 as suggested by the Examiner.

D. Claim Rejections

Claims 1-3, 5, 7, 9-13, 15, 17, 22 and 26 had been rejected as being anticipated by Fajkowski (WO 98/19229). Claim 13 had been rejected as being unpatentable over Fajkowski in view of Powell (US 5,887,271).

1. Fajkowski does not teach or suggest that the supplier sends the discount vehicle to the customer

Claim 1 recites that the supplier sends the discount vehicle to the high volume customer. The "high volume" customer is determined using generally available data which identifies the customer as a "high volume" customer. This aspect of the present invention is beneficial because the supplier actively targets the high volume customer using the available data in

order to send the discounts directly to the customer, rather than the conventional system wherein the supplier remains passive while the customers clip coupons from a newspaper or magazine.

Fajkowski had been cited to teach a system that uses periphery device 100 located at a retail store that issues a product discount to the customer and simultaneously receives the demographic data of the customer (page 4, lines 13-18 of the Office Action). The Examiner had stated that Fajkowski teaches that the customer must initially register with the coupon card provider before the coupon card can be used (page 5, lines 4-5 of the Office Action).

The cited portions of Fajkowski summarize one of the main differences between Fajkowski and the present invention. The system of Fajkowski requires that the customer travel to the retail store to purchase and register the coupon card. Fajkowski explains that his system employs color advertising and sound to attract customers that enter the store to purchase the coupon card (page 8, lines 2-5). Thus, Fajkowski's customer does not receive the coupon card until the customer enters the retail store.

Moreover, Fajkowski explains that the customer uses the coupon card obtained from the retail store to scan free standing inserts (FSI's) found in newspapers or magazines (page 5, lines

7-10). Thus, the method of Fajkowski is analogous to coupon clipping, since Fajkowski requires the customer to search through newspapers or magazines in order to find appealing discounts. Furthermore, the supplier sends the card to the retail store and the customer goes to the retail store to obtain the card.

In contrast to Fajkowski, claim 1 recites that the supplier sends the discount vehicle to the customer. Sending the discount vehicle to the customer establishes a direct relationship with the customer (page 5, lines 2-5 of the application). In addition, the customer does not have to go to the retail store to obtain the card or to search through newspapers in order to scan the coupons with the coupon card of Fajkowski, since the method of the present invention sends the card with the discounts thereon directly to the customer.

Claim 1 therefore differs from Fajkowski since it recites that the discount vehicle is sent from the supplier to the customer. To the contrary, Fajkowski teaches sending the coupon card from the supplier to the retail store and that the customer must go to the retail store to obtain the card.

Applicants respectfully submit that Fajkowski does not anticipate the present invention since Fajkowski does not teach or suggest sending a discount vehicle from a supplier to a customer, thereby avoiding the retail store link in the chain.

Instead, Fajkowski teaches sending a discount vehicle from the supplier to a retail store. The method of Fajkowski therefore differs from the claimed invention since the customer of Fajkowski must actively seek the discount vehicle by traveling to the retail store, while the customer of the present invention does not travel to the retail store to receive the discount vehicle.

2. Fajkowski does not teach or suggest determining high volume retail customers before the discount vehicle is sent to the customer

Claim 1 recites that the supplier determines which customers are "high volume" customers. The supplier makes this determination using generally available market data. After this determination is made, claim 1 recites that the supplier sends the discount vehicle to the high volume customer. Clearly, claim 1 recites a sequence of steps, since the discount vehicle cannot be sent to the high volume customer until the high volume customer is first identified using available market data.

The Examiner had stated that Fajkowski teaches the claimed invention since Fajkowski uses a clearinghouse to compile a database of the purchasing habits of the user's of the coupon cards (page 6, lines 7-13 of the Office Action). The Examiner had also summarized Fajkowski by stating that periphery device

100, located at the retail store, identifies user's based on the purchases they make with the coupon card (page 6, lines 14-15 of the Office Action).

The market data collected by the clearinghouse of Fajkowski is used in a different manner in Fajkowski and in the claimed invention. In Fajkowski, the market data is compiled based on the purchasing history of the customer collected when the card is redeemed at the retail store. In contrast, the market data of the present invention is used to determine or identify the high volume customer before the discount vehicle is redeemed at the retail store. This difference is fundamental, since the market data of the present invention is initially used to target the customer which allows the supplier to focus the sending of the discounts to high volume customers. Fajkowski does not initially focus the discounts on high volume customers, since Fajkowski does not obtain the market data until after the discount vehicle is with the customer. Thus, Fajkowski relies on the customer seeking the supplier and collects the market data after the fact, while the method of the claimed invention uses the market data to initially target the customers.

Applicants therefore respectfully submit that Fajkowski does not teach or suggest determining which customers are high volume customers using market data, then sending the discount vehicle to the high volume customers as recited in claim 1.

3. Fajkowski does not use the market data collected by the clearinghouse to send the discount card to a customer

The Examiner had cited page 32, line 11 to page 33, line 6 of Fajkowski which states that the collected data is used to "target specific consumers" so that manufacturers can "take further marketing steps" to "attempt to induce" consumers. The Examiner had taken the position that this portion of Fajkowski teaches "targeting" customers in the same manner as the present invention, namely, sending the discount vehicle directly to the customer.

Applicants respectfully disagree with the Examiner. Fajkowski explains that the collected data is used to allow the manufacturer to "respond appropriately" (page 33, lines 1-3). Fajkowski explains that one way to "respond appropriately" would be to increase the value of the discounts on the card (page 33, lines 2-3). Presumably, other ways to "respond appropriately" would be to turn the card into an instant rebate system (page 33, lines 7-9), to alter the value of the coupon (page 33, lines 30-31 and page 34, lines 7-8) or to provide series coupons (page 34, line 33 to page 35, line 1). None of the "appropriate" manners of response of Fajkowski include sending the vehicle from the supplier directly to the customer as disclosed by the present invention.

Applicants therefore respectfully submit that Fajkowski does not teach or suggest using market data to initially target high volume customers in order to send a discount vehicle directly to the customers. Instead, Fajkowski collects market data after the discount card is redeemed and requires the customer to seek out the discount card. Moreover, once the market data is collected, Fajkowski does not suggest using the data to target high volume customers as disclosed by the present invention. Applicants respectfully submit that the present invention is not taught or suggested by Fajkowski.

E. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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